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REMARKS

This Submission Under 37 C.F.R. 1.114 accompanies Applicants' Request for Continued Examination (RCE) and is in supplemental response to the final Office Action mailed April 6, 2005 and is in response to the Advisory Action mailed July 5, 2005. By this response, claims 1, 2, 6, 26, 28, 32, 42, 51, 52, 53 and 54 are amended. Claim 27 is canceled.

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, the Applicants believe that all of these claims are now in allowable form.

It is to be understood that the Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to the Applicants' subject matter recited in the pending claims. Further, the Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

REJECTIONS

Double Patenting

Obviousness Double Patenting

The Examiner has rejected claims 1, 6, 32, 42, 51, and 54 provisionally under the judicially created doctrine of obviousness-type double patenting as being unpatentable over, respectively, claims 1, 7, 34, 43, 51 and 54 of copending Application Serial No. 09/628,805.

In response, the Applicants will file a Terminal Disclaimer in the copending Application Serial No. 09/628,805 under 37 C.F.R. 1.130(b) upon indication of allowable subject matter if this rejection still exists at that time. As such, the Applicant respectfully request that the obviousness-type double patenting rejection be held in abeyance.

35 U.S.C. §103

Claims 1-7, 9-45 and 51-58

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The Examiner has rejected claims 1-7, 9-45 and 51-58 as being obvious and unpatentable under the provisions of 35 U.S.C. §103(a). In particular, the Examiner has rejected claims 1-7, 9-45 and 51-58 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,177,931 to Alexander (hereinafter "Alexander") in view of U.S. Patent 6,493,872 to Rangan (hereinafter "Rangan"). The Applicants respectfully traverse the rejection.

Applicants' independent claims 1, 6, 26, 32, 42 and 51-54 recite different aspects of the present invention including the limitation for the terminal reporting viewer data including virtual objects selected in a video program to a remote location. Specifically, the Applicants' independent claim 1 (and similarly independent claims 6, 26, 32, 42, and 51-54) recites:

1. A method for targeting virtual advertisements from a remote location to terminals, comprising:
 - assigning at least one virtual advertisement spot to a video program;
 - assigning a plurality of virtual objects to the at least one virtual advertisement spot;
 - generating a retrieval plan, wherein the retrieval plan instructs a plurality of the terminals to select one of the plurality of virtual objects for placement at said at least one virtual advertisement spot in said video program; and reporting selected virtual object to the remote location.(emphasis added)

The present invention allow targeted placement of advertisement at a subscriber's terminal. A retrieval plan can be generated at the remote location. The terminal will carry out the instructions of the retrieval plan. The terminal generates data of the viewer's information including the virtual objects that are placed in the virtual locations. This information is reported to the cable headend and the operations center for target placement, billing generation for advertisers, viewer watching habits analysis, etc.

Alexander discloses an electronic programming guide (EPG) which allows for user interaction. The EPG uses viewer profile to allow for "access-content" customization of the advertising messages displayed by the EPG. It can provide statistical reports of user profiles for analysis by third parties. Alexander does not

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disclose, teach or suggest reporting selected virtual objects from an EPG to an operations center and cable headend.

Rangan does not bridge the gap between Alexander and the present invention. Rangan teaches a system and method for synchronizing data streams to be displayed concurrently at the end stations. Rangan discloses tracking modules in order for multiple streams of data to be recombined properly at the end station. Rangan does not disclose, teach or suggest reporting selected virtual objects from the end station to an operations center and cable headend.

Even if the two references could somehow be operably combined, the combination would provide a library of advertisements stored at the viewer's terminal where the EPG selects advertisements for display according to pre-established selection criteria, and an authoring station for tracking and inserting advertisements in a video stream that is upstream from the user's terminal. Nowhere in the combined references is there any teaching or suggestion of "reporting selected virtual object to the remote location." Therefore, the combined references fail to teach or suggest the Applicant's invention as a whole.

As such, the Applicants submit that independent claims 1, 6, 26, 32, 42, 51, 52, 53 and 54 and dependent claims 2-5, 7, 9-25, 27-31, 33-41, 43-45, and 55-58 which depend directly or indirectly from independent claims 1, 6, 26, 32, 42, 51, 52, 53 and 54 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

CONCLUSION

Thus, Applicants submit that none of the claims, presently in the application, are obvious under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested

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that the Examiner telephone Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: _____

7/12/05

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